

IN THE CLAIMS

1. (PREVIOUSLY PRESENTED) A method of providing a jackpot in a gaming machine used to play a game, said machine having multiple simulated reels used in the game, and at least one pay line, including at least the steps of: (a) determining a player's wager; (b) playing the game, so that the simulated reels assume a specific configuration showing symbols across said reels used in the game, wherein one or more of said symbols can be a scatter symbol, wherein one or more of said scatter symbols can be a variable state scatter symbol, said variable state being either an active state, whereby said variable state scatter symbol acts as a scatter symbol, or an inactive state, whereby said variable state scatter symbol is not considered to be a scatter symbol, wherein the probability of a variable state scatter symbol having an active state is dependent upon the size of the player's wager; and (c) determining if scatter symbols appear across said reels used in the game in a predefined manner, and if so then paying said jackpot.

2. (ORIGINAL) A method according to claim 1, wherein the probability of winning the jackpot based upon the scatter symbols is linearly dependant upon the size of the player's wager relative to a maximum possible wager.

3. (ORIGINAL) A method according to claim 1, wherein the inactive variable state scatter symbol is operative for non-jackpot game play.

4. (ORIGINAL) A method of claim 1, wherein the probability of a variable state scatter symbol having an active state is dependant upon the size of the player's wager relative to a maximum possible wager.

5. (ORIGINAL) A method according to claim 1, wherein the jackpot is accumulated across a plurality of linked machines.

6. (ORIGINAL) A method according to claim 1, wherein the jackpot is accumulated on a single machine.

7. (PREVIOUSLY PRESENTED) A method of awarding a jackpot in a simulated reels gaming machine, wherein dependent upon the configuration of reels used in the play of a game after game play, one or more reels used in the game may include active scatter symbols, and one reel used in the game may include a set of symbols which selectively form active or inactive scatter symbols, the jackpot being won by a predetermined combination of active scatter symbols in a game outcome display including one on the said one reel used in the game, wherein the probability that a scatter symbol is selected as active on the game outcome display is dependent upon the size of the player's wager relative to a maximum possible wager for the machine.

8. (ORIGINAL) A system for operating a linked jackpot, comprising at least a plurality of gaming machines linked to a central jackpot controller, said central jackpot controller and said machines cooperating to implement the method according to claim 1.

9. (PREVIOUSLY PRESENTED) A gaming machine having multiple simulated reels, said machine including a processor, player wager selection means and a display, and at least one pay line, the processor playing a game in accordance with software, the game including the steps of: (a) receiving a player's wager from the wager selection means; (b) playing the game, so that the simulated reels used in the game are displayed, on said display, in a specific configuration showing symbols across said reels used in the game, wherein one or more of said symbols can be a scatter symbol, wherein one or more of said scatter symbols can be a variable state scatter symbol, said variable state being either an active state, whereby said variable state scatter symbol acts as a scatter symbol, or an inactive state, whereby said variable state scatter symbol is not considered to be a scatter symbol, wherein the probability of a variable state scatter symbol having an active state is dependent upon the size of the player's wager; and (c) determining if scatter symbols appear across said reels in a predefined manner, and if so then paying said jackpot.

10. (ORIGINAL) A gaming machine according to claim 9, wherein the probability of winning the jackpot based upon the scatter symbols is linearly dependant upon the size of

the player's wager relative to a maximum possible wager.

11. (ORIGINAL) A gaming machine according to claim 9, wherein the inactive variable state scatter symbol is operative for non-jackpot game play.

12. (ORIGINAL) A gaming machine according to claim 9, wherein the probability of a variable state scatter symbol having an active state is dependant upon the size of the player's wager relative to a maximum possible wager.

13. (ORIGINAL) A system for operating a linked jackpot game, comprising at least a plurality of gaming machines according to claim 9, said gaming machines being linked to a central jackpot controller, said central jackpot controller and said machines cooperating to provide a pooled jackpot incremented from wagers on all of said gaming machines.

14. (PREVIOUSLY PRESENTED) A gaming machine having multiple simulated reels used in a game, said machine including a processor, player wager selection means and a display, and at least one pay line in the reels used in the game, the processor playing a game in accordance with software, wherein dependant upon the configuration of reels used in the game after game play, one or more reels used in the game may include active scatter symbols, and one reel may include a set of symbols which selectively form active or inactive scatter symbols, the jackpot being won by a predetermined combination of active scatter symbols in a game outcome display including one on the said one reel used in the game, wherein the probability that a scatter symbol is selected as active on the game outcome display is dependant upon the size of the player's wager relative to a maximum possible wager for the machine.

15. (CANCELED)

SUMMARY OF THE OFFICE ACTION

- 1) Claims 1-15 are pending in the application.
- 2) Claim 15 has been rejected under 35 U.S.C. 112, second paragraph as failing to particularly point out and distinctly claim the subject matter regarded as invention asserting that the language of these claims is incomplete in defining the computer software product.
- 3) Claim 15 has been rejected under 35 U.S.C. 101 as directed towards non-statutory classes of invention.
- 4) Claims 1-15 have been rejected under 35 U.S.C. 103(a) as unpatentable over Published US Patent Document 2003/0236116 A1 (Marks) in view of Published Provisional US Patent Document 60/454,822, as shown by 2004/0180714 A1 (Ward).